



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 21 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Mazanec
Woodland Meadows Recycling and Disposal Facility
5900 Hannan Road
Wayne, Michigan 48184

Re: Finding of Violation
Waste Management of Michigan, Inc.
Woodland Meadows Recycling and Disposal Facility
Wayne, Michigan

Dear Mr. Mazanec:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) under Section 113(a)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1) to the Woodland Meadows Recycling and Disposal Facility (Woodland Meadows) owned and operated by Waste Management of Michigan, Inc. (Waste Management). EPA finds that Waste Management violated the CAA and its implementing regulations at its Woodland Meadows Recycling and Disposal Facility (Woodland Meadows) located in Wayne, Michigan.

Section 113 of the CAA gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, or bringing a judicial civil or criminal action.

EPA is offering Waste Management an opportunity to confer about the violations alleged in the FOV. The conference gives the company an opportunity to present information on the specific findings of violation, any efforts taken to comply, and the steps it will take to prevent future violations. In addition, in order to make the conference more productive, EPA encourages Waste Management to submit information responsive to this FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. Waste Management may have an attorney represent it at this conference.

The EPA contact in this matter is Luke Hullinger. You may call him at (312) 886-3011 to request a conference. Waste Management should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Diane Kavanaugh Vetort, MDEQ, Senior Environmental Quality Analyst
Alexander Whitlow, MDEQ, Environmental Engineer
Scott Miller, MDEQ, Jackson District Supervisor
The Corporation Company, Registered Agent for Waste Management of Michigan, Inc.

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5. An “affected facility” under the NSPS is, with reference to a stationary source, any apparatus to which a standard is applicable. *See* 40 C.F.R. § 60.2.
6. Pursuant to Section 111 of the CAA, 42 U.S.C. § 7411, on March 12, 1996, EPA promulgated the “Standards of Performance for Municipal Solid Waste Landfills,” codified at 40 C.F.R. Part 60, Subpart WWW, 40 C.F.R. §§ 60.750-60.759 (MSW Landfills NSPS). *See* 61 Fed. Reg. 9919 (March 12, 1996).
7. An “affected facility” under the MSW Landfills NSPS is an MSW landfill that commenced construction, reconstruction, or modification on or after May 30, 1991. *See* 40 C.F.R. § 60.750(a).
8. A “landfill” under the MSW Landfills NSPS is an area of land or an excavation in which wastes are placed for permanent disposal, unless it is a land application unit, surface impoundment, injection well, or waste pile. *See* 40 C.F.R. § 60.751.
9. An “MSW landfill” under the MSW Landfills NSPS is an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. *See* 40 C.F.R. § 60.751.
10. For a MSW landfill having: (i) a design capacity equal to or greater than 2.5 million megagrams (Mg) by mass; (ii) 2.5 million cubic meters (m³) volume; and (iii) an emissions rate of nonmethane organic compounds (NMOC) equal to or greater than 50 megagrams per year (Mg/yr), the MSW Landfills NSPS requires its owner or operator to, among other things, install and operate a system that collects and controls NMOC emissions from the landfill. *See* 40 C.F.R. § 60.752(b).
11. To identify whether excess air filtration into the landfill is occurring, the MSW Landfills NSPS requires that the owner or operator of an MSW landfill: (i) monitor each individual wellhead in the gas collection and control system on a monthly basis for landfill gas temperature and either nitrogen or oxygen levels, as provided in 40 C.F.R. § 60.753(c); (ii) initiate action to correct an exceedance of the temperature and nitrogen, or oxygen levels within five days, except for the three exceptions set forth in 40 C.F.R. § 60.753(b), and (iii) expand the gas collection system within 120 days of the initial exceedance reading when correction cannot be achieved within 15 calendar days of the first measurement. *See* 40 C.F.R. § 60.755(a)(5).
12. An MSW landfill not in compliance with 40 C.F.R. § 60.755(a)(5) may submit a request to EPA for approval of an alternative compliance timeline (ACT) for correcting the exceedance. *See* 40 C.F.R. § 60.755(a)(3) & (5). The request must be submitted as soon as the owner or operator knows that it will not be able to correct the exceedance in 15 days, and that it is unwarranted to expand the gas collection system.

National Emission Standards for Hazardous Air Pollutants: Subpart AAAA

13. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate national emission standards for sources of hazardous air pollutants (NESHAP), including MSW landfills, to achieve the maximum emission reduction of hazardous air pollutants (HAPs) possible for each source category.
14. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 16, 2003, EPA promulgated the NESHAP for MSW landfills (MSW Landfills NESHAP), codified at 40 C.F.R. Part 63, Subpart AAAA, 40 C.F.R. §§ 63.1930 *et seq.* See 68 Fed. Reg. 2227 (January 16, 2003).
15. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4 prohibit the owner and operator of an “affected source” from operating such source in violation of any NESHAP applicable to that source.
16. An “affected source” under the NESHAP is the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a Section 112(c) of the CAA source category or subcategory for which a section 112(d) of the CAA standard or other relevant standard is established pursuant to section 112 of the CAA. See 40 C.F.R. § 63.2.
17. An “affected source” under the MSW Landfills NESHAP is an MSW landfill that meets the criteria set forth in 40 C.F.R. § 63.1935(a) or (b). See 40 C.F.R. § 63.1940(a).
18. The owner or operator of an “MSW Landfill” is subject to the MSW Landfills NESHAP if: (1) it has accepted waste since November 8, 1987, or has additional capacity for waste storage; and (2) the MSW Landfill is *inter alia*, a “major source” as defined in 40 C.F.R. § 63.2. See 40 C.F.R. § 63.1935(a).
19. An “MSW landfill” under the MSW Landfills NESHAP is an entire disposal facility in a contiguous geographical space where household waste is place in or on land. See 40 C.F.R. § 63.1990.
20. The MSW Landfills NESHAP requires new MSW landfills to continue to comply with the MSW Landfills NSPS requirements set forth in 40 C.F.R. Part 60 Subpart WWW, 40 C.F.R. §§ 63.1930 *et seq.*, and imposed additional requirements. See 40 C.F.R. §§ 63.1930 and 63.1955(a)(1).

Title V Operating Permit Requirements

21. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, and its implementing regulations codified at 40 C.F.R. Part 70, establish an operating permit program for certain sources of air pollution, including “major sources,” and other sources made subject under Section 502(a) of the CAA, 42 U.S.C. § 7661a(a). The purpose of Title V is to ensure that all applicable requirements, including NSPS and NESHAP requirements, are included in the Title V operating permit for the source.
22. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V operating permit.
23. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA an operating permit program meeting the requirements of Title V.
24. On December 4, 2001, EPA granted Michigan full approval of the Michigan Title V Clean Air Permit Program, with an effective date of November 30, 2001. *See* 66 Fed. Reg. 62949.
25. The requirements of Part 70 apply to any “major source” located in a state that has received whole or partial approval of its Title V program. *See* 40 C.F.R. § 70.3.
26. Pursuant to the MSW Landfills NSPS at 40 C.F.R. § 60.752(b), the owner or operator of a landfill subject to the MSW Landfills NSPS with a design capacity greater than or equal to 2.5 million Mg by mass, or 2.5 million m³ by volume, is a “major source” subject to the Part 70 or 71 permitting requirements.
27. On December 12, 2012, the Michigan Department of Environmental Quality issued a renewable Title V Operating Permit (MI-ROP-M4449-2012) for Woodland Meadows to Waste Management.
28. MI-ROP-M4449-2012 requires Woodland Meadows to comply with the NSPS requirements for MSW landfills at 40 C.F.R. Part 60, Subpart WWW and the NESHAP requirements for MSW landfills at 40 C.F.R. Part 63, Subpart AAAA.

Enforcement Authority

29. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), provides in pertinent part that whenever the Administrator finds that any person has violated, or is in violation of any requirement or prohibition of Subchapter I of the CAA, including but not limited to, a requirement or prohibition of any rule issued or approved under Subchapter I (i.e. the NSPS and NESHAPs), the Administrator may inter alia: (A) issue an administrative penalty order; (B) issue an order requiring such person to comply with such requirement or prohibition; or (C) bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

Findings and Violations

30. Waste Management was and is a “person,” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
31. Waste Management was and is an “owner” and an “operator” as those terms are defined in Section 111(a)(5) of the CAA, 42 U.S.C. § 7411(a)(5), 40 C.F.R. § 60.2, and 40 C.F.R. § 63.2, of the Woodland Meadows Recycling and Disposal Facility located at 5900 Hannan Road, Wayne, Michigan (the Landfill).
32. The Landfill is an “MSW Landfill”, as that term is defined in 40 C.F.R. § 60.751, and 40 C.F.R. § 63.1990.
33. The Landfill is a “stationary source” as defined by Section 111(a)(3) of the CAA, 42 U.S.C. § 7411(a)(3).
34. To fulfill its NMOC emission collection and control requirements under the MSW Landfills NSPS, Waste Management installed, owns, and operates a gas collection and control system (GCCS) to capture and destroy landfill gas generated by the Landfill. The GCCS at the Landfill consists of 192 active gas wells.
35. The Landfill has a design capacity greater than or equal to 2.5 million Mg by mass, or 2.5 million m³ by volume, and an emissions rate of NMOC equal to or greater than 50 Mg/yr.
36. The Landfill is an MSW landfill under the MSW Landfills NESHAP, that commenced construction, reconstruction, or modification on or after May 30, 1991, and thus is an “affected facility” under the MSW Landfills NSPS.
37. The Landfill is an MSW landfill that: (1) has accepted waste since November 8, 1987, or has additional capacity for waste storage; and (2) is a “major source,” as defined in 40 C.F.R. § 63.2, and thus is an “affected source” under the MSW Landfills NESHAP.
38. The MSW Landfills NSPS, the MSW Landfills NESHAP, and the NESHAP General Provisions apply to the Landfill.

39. On May 7, 2015 EPA sent a Section 114 information request to Woodland Meadows.
40. Woodland Meadows responded to the Section 114 information request, which EPA received on September 14, 2015.

Failure to Timely Respond to Well Reading Exceedances

41. As set forth in Appendix I, on 2,919 days between July 2, 2012 and July 14, 2015, the Landfill failed to either: (i) initiate action to correct within five days of a reading exceeding the temperature and nitrogen, or oxygen levels for a well; or (ii) expand the gas collection system within 120 days of the initial exceedance reading when correction could not be achieved within 15 calendar days of the first measurement.
42. Waste Management did not submit a timely ACT request, within 15 calendar days of the first measurement, for any of the 2,919 temperature and nitrogen or oxygen level exceedances set forth in Appendix I.
43. Waste Management accordingly violated the MSW Landfills NSPS at 40 C.F.R. § 60.755(a)(5) on 2,919 days.
44. By operating the Landfill in violation of the MSW Landfills NSPS requirements set forth in 40 C.F.R. Part 60 Subpart WWW, 40 C.F.R. §§ 63.1930 *et seq.*, Waste Management violated Section 111(e) of the CAA, 42 U.S.C. § 7411(e), and the MSW Landfills NESHAP at 40 C.F.R. § 63.1955.
45. By operating the Landfill in violation of a NESHAP applicable to such source, Waste Management violated Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), the NESHAP General Provisions at 40 C.F.R. § 63.4, Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), 40 C.F.R. § 70.7(b), and its operating permit (MI-ROP-M4449-2012) on 2,919 days.

Environmental Impact of Violations

1. Volatile Organic Compounds (VOC) contribute to ozone formation which can result in adverse effects to human health and vegetation. Ozone can penetrate into different regions of the respiratory tract and be absorbed through the respiratory system.

2. HAP emissions can lead to adverse health effects like cancer, respiratory irritation, and damage to the nervous system.
3. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site.

Date

4/21/17

Edward Nam
Director
Air and Radiation Division

APPENDIX I

Well Number	First Day of Exceedance	Days in Violation
SOGW33	7/6/2012	248
VBG43B	12/3/2013	118
VBG43C	12/19/2014	25
VBG59B	12/23/2013	138
VBG59B	2/21/2014	30
VBG60B	4/5/2013	114
VBG94A	11/15/2013	56
VBG104	4/8/2013	144
VBG106	11/14/2013	99
VBG111	5/8/2015	35
VBG112	5/8/2015	35
VBG113	5/8/2015	35
VBG114	5/7/2015	34
VBG115	5/7/2015	34
VBG122	5/7/2015	34
VBG123	5/7/2015	34
VBG130	5/7/2015	34
VBG131	5/7/2015	34
VBG170	10/9/2013	120
VBGW47	7/24/2012	43
VBGW48	7/2/2012	21
VBGW63	4/5/2013	107
VBGW77	4/5/2013	121
VBGW78	7/14/2015	67
VBGW79	4/8/2013	82
VBGW83	9/13/2013	37
VBGW83	12/26/2013	100
VBHC09	10/17/2012	282
VBHC19	8/6/2015	71
VBHC20	4/27/2015	24
VBHC21	12/11/2014	36
VBHC21	4/27/2015	52
VBHC21	8/6/2015	66
VBHC22	4/27/2015	76
VBHC23	4/27/2015	24

VBHC24	10/24/2014	30
VBHC24	1/26/2015	31
VBHC24	5/14/2015	91
VBHC25	4/27/2015	24
VBHC29	5/7/2015	55
VBHC30	5/7/2015	34
VBHV31	4/9/2015	22
VBHV32	4/9/2015	22

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Finding of Violation, No. EPA-5-17-MI-01, by Certified Mail, Return Receipt Requested, to:

Paul Mazanec
Woodland Meadows Recycling and
Disposal Facility
5900 Hannan Road
Wayne, Michigan 48184

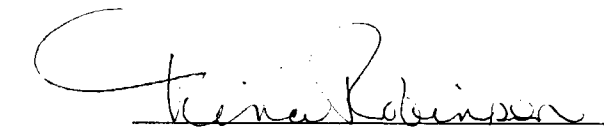
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Tom Hess
Enforcement Unit Manager
hesst@michigan.gov

AND

Scott Miller
Jackson District Supervisor
millers@michigan.gov

On the 24th day of April 2017


for Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7016301000092032550